

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/817,251

REMARKS

Claims 1-10 are pending in the present application. As will discussed below, Claims 1, 2 and 8 have been amended. No new matter has been added. Accordingly, entry of the present Amendment is requested.

Claims 8 and 9 have been rejected under 35 U.S.C. § 112, first paragraph.

It is asserted that "the best mode contemplated by the inventor has not been disclosed." Further, it is indicated that "evidence of concealment of the best mode is based upon the lack of particular structure and the best mode to move the nozzle 3."

Applicants respectfully traverse this rejection for the following reasons.

Applicants respectfully submit that one skilled in the art would be readily familiar with automatic means to move the nozzle 3. Also, one skilled in the art would readily recognize that nozzle 3 can be moved by hand, as evidenced by the prior art cited in the Office Action. In this regard, *see*, for example, U.S. Patent No. 2,432,073 to Hargin and U.S. Patent No. 3,656,351 to Raczak, which are discussed in detail below.

In view of the foregoing, Applicants respectfully submit that Claims 8 and 9 comply with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, withdrawal of this rejection is requested.

Claim 2 has been rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite.

It is asserted that "Claim 2 fails to provide antecedent basis for 'the air' or the addition of air which may be discharged."

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In response, Applicants have amended Claim 2 to change the phrase "the air" to "air." In view of the foregoing, withdrawal of this rejection is also requested.

Claims 1-5, 7 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,432,073 to Hargen.

It is asserted that the utensil disclosed in Hargen is used in a manner whereby liquid is brought up into hollow tube 6 (*see, Fig. 2*) via suction the utensil is moved to a different horizontal position, and a liquid is dispensed.

Applicants respectfully traverse this rejection for the following reasons.

Hargen discloses at col. 1, lines 8-12, that liquid is expelled in a spray or stream over the cooking food, causing food to be basted.

In the present claimed invention, as defined by amended Claims 1 and 8, a part of the liquid in the container is sucked and the sucked liquid is discharged into the liquid remaining in the container. As a result, stirring occurs in the liquid. On the other hand, in Hargen, the liquid is expelled over the cooking food in order to baste the food, and therefore, stirring does not occur in the liquid. Accordingly, Applicants respectfully submit that the present claimed invention is not anticipated or rendered *prima facie* obvious by Hargen.

In view of the foregoing, withdrawal of this rejection is requested.

Claims 8 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,656,251 to Raczak.

Applicants also respectfully traverse this rejection for the following reasons.

Raczak neither discloses nor suggests an apparatus for stirring a liquid in a container, including a means for sucking a part of the liquid from the container and for discharging the

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sucked liquid into the liquid remaining in the container, wherein the means horizontally moves so that the liquid is discharged into the container at a position different from that where the liquid has been sucked from the container. In particular, Raczk neither discloses nor suggest sucking and discharging in the same container. Accordingly, Applicants respectfully submit that the present claimed invention is also not anticipated or rendered *prima facie* obvious by Raczk.

In view of the foregoing, withdrawal of this rejection is also requested.

Claims 1-3 and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,320,053 to Lehman.

Applicants also respectfully traverse this rejection for the following reasons.

With regard to Lehman, it is asserted that the use of the device disclosed therein and its corresponding method performs the steps of sucking liquid from the right side nozzle 2 into the chamber 3 and discharging it to a horizontally different position via the nozzle 5. Thus, as admitted by the Examiner, in Lehman, the nozzle for sucking liquid is different from the nozzle for discharging it. In contrast, in the present claimed invention, the same nozzle is used for sucking liquid and discharging the sucked liquid.

In view of the foregoing, withdrawal of this rejection is also requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


John T. Callahan
John T. Callahan
Registration No. 32,607

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: August 15, 2002

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) A method for stirring a liquid, comprising:

sucking a part of a liquid into a nozzle from a liquid-containing container which opens at the top thereof; and

discharging the sucked liquid from the nozzle into liquid remaining in the container at a discharging position which is horizontally different from a sucking position where the liquid has been sucked to thereby stir the liquid.

2. (Amended) The method according to claim 1, wherein the sucked liquid is

discharged together with the air.

8. (Amended) An apparatus for stirring a liquid in a container, comprising:

a container in which a liquid is contained; and

a means for sucking a part of the liquid from the container and for discharging the sucked liquid into liquid remaining in the container,

wherein the container opens at the top thereof, and

wherein the means ~~is capable of~~ horizontally moving moves -so that the liquid is discharged into the container at a position different from that where the liquid has been sucked from the container to thereby stir the liquid.